

Serial No. 10/069,831  
Response to Office Action mailed December 27, 2005

Filed: February 26, 2002

### REMARKS

Claims 27-42 are pending in the present application. Applicant respectfully requests consideration of Claims 27-42 in view of the following remarks.

#### Claim Rejections – 35 USC §103(a)

Claims 27-42 stand rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of the combination of U.S. Patent No. 6,694,350 to Kurashima et al. (hereafter "Kurashima") and U.S. Patent No. 6,446,043 to Matsumoto et al. (hereafter "Matsumoto"). Applicant respectfully traverses these rejections since the cited prior art, either alone or in combination, fail to describe each and every limitation of Claims 27-42 thus a prima facie case of obviousness has not been provided.

#### Claims 27-32

The method of Claim 27 describes the step of notifying the server of a telephone number allotted to the mobile phone used by the communication terminal to request the communication parameter. Claim 27 also describes the step of the server extracting from a plurality of communication parameters, each of which is stored in association with a telephone number, a communication parameter stored in association with the notified telephone number.

In contrast, Kurashima describes an information providing system in which clients request an information delivery service from a server using a predetermined service identifier, such as a "1," "2," or "3." (Col. 14 lines 14-18 and Fig. 13) The server selects a communication path from a service management table that corresponds to the requested service identifier. (Col. 14 lines 26-32) The server sends a response packet to the client that indicates the communication path for the requested information delivery service. (Col. 14 lines 48-53 and Fig. 14) The client uses the indicated communication path to request that the previously requested service be started, and the service is communicated over the indicated communication path. (Col. 15 lines 3-9 and Fig. 15, Col. 15 lines 53-59)

Serial No. 10/069,831

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Thus, the system described by Kurashima does not individually identify the clients, but instead identifies a server which will generically provide a requested information delivery service to any client based simply on spreading the load on the communication paths. (Col. 16 lines 9-15) Clearly, the system described by Kurashima teaches away from individually identify the clients and therefore, as indicated in the office action mailed December 27, 2005, does not describe use of a telephone number or any other unique identifier of individual clients. Accordingly, not only does Kurashima fail to describe notifying a server of a telephone number to request a communication parameter, but also notification of such a telephone number would serve no purpose in Kurashima since identification of individual clients in the system described by Kurashima is unnecessary and serves no purpose. It follows that Kurashima cannot possibly describe extracting a communication parameter stored in association with a notified telephone number as described in Claim 27, since Kurashima is not concerned with the individual identity of clients, nor communication parameters identified with such an individually identified client, but instead uniquely identifies servers to clients.

In the office action, it has been asserted that Kurashima could be modified with Matsumoto to render obvious the invention described in Claim 27. Applicant respectfully disagrees. Firstly, the addition to Kurashima of a telephone number and communication parameters stored in association with the telephone number changes the principal of operation of Kurashima, which is to provide services to all clients generically without individually identifying such clients. A proposed modification cannot change the principal of operation of a reference (See MPEP 2143.01(IV))

Applicant also respectfully disagrees because Matsumoto does not describe the step of extracting a communication parameter stored in association with a notified telephone number as described in Claim 27. To the contrary, Matsumoto describes a system that detects the identity of a user with a sensor and assigns a location to the user. (Col. 4 lines 48-57) The identification of the user is called a directory name and is used by the system as a "search key" to search for directory information, such as a telephone number of the user. (Col. 5 lines 15-20, Col. 6 lines 15-19) Thus, the system taught by Matsumoto teaches away from using a telephone number to extract a communication parameter as described in Claim 27, since Matsumoto uses the identification of a user to find a telephone number. Thus, even if Kurashima and Matsumoto

Serial No. 10/069,831  
Response to Office Action mailed December 27, 2005

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were combinable, the result would be a system where a user could be identified and directory information such as a telephone number could be found for the user, the user could also request a service with a service identifier, and a service could be provided to the user over a designated communication channel based on the requested service identifier. Clearly, notifying a server of a telephone number in a request for a communication parameter and the server extracting a communication parameter stored in association with the notified telephone number as described in Claim 27 is entirely different from the combination of the cited prior art.

For at least the foregoing reasons, none of the cited prior art either alone or in combination, provides the third basic criteria for obviousness that must be met, which is that all the limitations of the claims must be taught or suggested by the combination of the cited prior art. (see MPEP 2143) Thus, all of the claim features disclosed by Claim 27 and the claims depending therefrom are not taught or suggested, and a *prima facie* case of obviousness has not been established. Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of Claims 27-32.

### Claim 33

Claim 33 describes the steps of notifying the server of an identifier allotted to the communication device that is used by the communication terminal to request a communication parameter, and the server extracting from a plurality of communication parameters, each of which is stored in association with an identifier of a communication device, a communication parameter stored in association with the notified identifier.

None of the cited prior art describes extracting a communication parameter stored in association with a notified identifier allotted to a communication device as described in Claim 33. As previously discussed, Kurashima teaches away and is wholly unconcerned with identifiers allotted to communication devices (or clients), and conversely teaches identifiers for servers. Matsumoto teaches away from use of an identifier allotted to a communication device as described in Claim 33, by instead describing identifying a user's location to determine a communication parameter, as previously discussed.

Thus, for at least the foregoing reasons, Applicant respectfully traverses the 35 U.S.C. §103(a) rejection of Claim 33 since all of the limitations described are not taught, suggested, or

Serial No. 10/069,831

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disclosed by the cited prior art, either alone or in combination and a *prima facie* case of obviousness is unsupported. Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of Claim 33.

Claims 34-41

Claim 34 includes the limitations of a receiving unit configured to receive from a communication terminal a request for a communication parameter, and a telephone number allotted to a mobile phone to be used by the communication terminal to transmit the request, and an extracting unit configured to extract from a storing unit a communication parameter corresponding to the telephone number received by the receiving unit. None of the cited prior art describes an extracting unit configured to extract from a storing unit a communication parameter corresponding to a received telephone number allotted to a mobile phone. As previously discussed, Kurashima is wholly unconcerned with identifying clients and instead identifies servers, and Matsumoto teaches away by describing identifying a user's location to determine a communication parameter.

For at least the foregoing reasons, Applicant respectfully traverses the 35 U.S.C. §103(a) rejection of Claim 34 since all of the described limitations are not taught, suggested, or disclosed by the cited prior art, either alone or in combination and a *prima facie* case of obviousness is unsupported. In addition, Claims 35-41 depend from independent Claim 34 and therefore a *prima facie* case of obviousness is unsupportable for these claims for at least the same reasons. Thus, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of Claims 34-41.

Claim 42

Claim 42 includes a receiving unit operable to receive, from the communication terminal, a request for a communication parameter and an identifier allotted to a communication device useable by the communication terminal to transmit the request for a communication parameter, and an extracting unit operable to extract, from a plurality of communication parameters stored in the storing unit, a communication parameter corresponding to the identifier received by the receiving unit. None of the cited prior art either alone or in combination describes an extracting

Serial No. 10/069,831  
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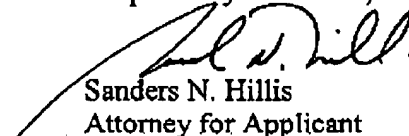
Filed: February 26, 2002

unit operable to extract a communication parameter corresponding to an identifier allotted to a communication device. As previously discussed, Kurashima teaches away from identifying clients and instead uniquely identifies servers, and Matsumoto teaches away by teaching identifying a user's location in order to determine a communication parameter of the user.

Accordingly, Applicant respectfully traverses the 35 U.S.C. §103(a) rejection of Claim 42 since all of the limitations described are not taught, suggested or disclosed by the cited prior art, either alone or in combination and a *prima facie* case of obviousness is unsupported. Thus, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of Claim 42.

The presently pending claims of this application are allowable over the cited prior art, and Applicant respectfully requests the Examiner to so find and issue a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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